

of a psychological impact for the young people of this State, those who are impatient and restless, and those who feel that our ideals are shibboleths, and do not work because they have not worked for them. There is no doubt about the fact that in Baltimore City the executive leadership and action on the part of the government in affirming again that discrimination will not be tolerated, and that we going to work together to rout it out, prevented us from having a serious eruption there. And I think this will have the same effect upon the whole State.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Delegate Mitchell, I understand your concern for discrimination and I share your concern. I am troubled, though, by the phrase "subject to discrimination by the State." Because if there is such discrimination today, I am unaware of it and I am trying to find out what you mean by that phrase, "discrimination by the State".

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: Well, there is wide-spread discrimination in the State in employment. Because of its existence the state legislature instituted an inter-racial commission to study and to work with the agencies of government, to make recommendations for legislation and to eliminate the impact of it upon the colored citizens. As far as religious discrimination is concerned, there have been some complaints of religious discrimination in employment, so it is a problem.

You have only to look around you to see where Negroes are not employed: in the county courthouses of the State, in the school systems of the State which still remain predominantly white or all white. You have only to look around you in Baltimore City where almost 50 percent of the population is colored and see where Negroes are not employed. This is a very serious problem, the problem of employment.

We have had some of our industries working with the governor and the mayor of Baltimore City in the summer of '67 indicate that they were going to employ on the basis of merit and not on the basis of race. Yet our young people who are college students or college graduates who went to those industries for employment came back.

The policy at the top had been enunciated, but not acted upon in the personnel office. The Negro students and graduates

had been told to come back because there were no openings, and they waited outside. But some of the young white college students who were sitting with them in the personnel office did not come out, because they were hired.

THE CHAIRMAN: Delegate Henderson.

*(There was no response.)*

THE CHAIRMAN: Delegate Sollins.

DELEGATE SOLLINS: Delegate Mitchell, with regard to line six of your amendment, the use of the word "state", do you mean by the use of the word "state", local governments and the political subdivisions of the state such as municipal corporations?

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: That is correct. I can best read to you the definition of state action in the language of 1880 in *Virginia v. Read*. The Supreme Court said that a state may act through different agencies either by its legislative, executive or its judicial authorities.

In the Civil Rights cases in 1883, while the Supreme Court voided the application of that statute to the instant facts because it said that the federal statute went to individuals in the State, it did not mention state action. It made it clear, and I quote,

"State action of every kind, which is inconsistent with the guarantees therein contained, and extend to manifestations of state authority in the shape of laws, customs or judicial or executive provision is voided, which denies the equal protection of the laws."

Justice Bradley went further, and he said that denying includes inaction as well as action, and denying the equal protection of the laws includes the omission to act as well as the omission to pass laws for protection.

State action has been again and again interpreted by the federal courts and by the state courts to mean the action of the State as it manifests itself through its judicial, executive and legislative branches.

THE CHAIRMAN: Delegate Sollins.

DELEGATE SOLLINS: What concerns me, Delegate Mitchell, is that your definitions that you have just read seem really to limit themselves to the state actions of the State of Maryland. I wonder if you do not mean also actions of the United States